

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

SARA COON, Administratrix of the	:	
Estate of Maxwell Schollenberger,	:	CIVIL ACTION NO.
And in Her Own Right,	:	
Plaintiff,	:	
	:	
v.	:	
	:	JURY TRIAL DEMANDED
COUNTY OF LEBANON, et.al.,	:	
Defendants	:	

**NOTICE OF REMOVAL**

Defendants the County of Lebanon and Erin M. Moyer hereby remove this case from the Lebanon County Court of Common Pleas:

1. On August 25, 2021, Plaintiff filed a Complaint in the Lebanon County Court of Common Pleas.
2. The Complaint was served on Defendants County of Lebanon and Erin M. Moyer on September 2, 2021. (Attached hereto as Exhibit "A").
3. On September 9, 2021, Plaintiff filed Certificates of Service confirming service of the Complaint on September 2, 2021. (Attached hereto as Exhibit "B").
4. Removal is appropriate because Plaintiff's Complaint raises federal questions, namely violations of federal statutes.
5. Specifically, Plaintiff's Complaint alleges that Defendant County of Lebanon violated 42 U.S.C. § 1983 - Procedural Due Process under the Fourteenth

Amendment to the United States Constitution (Municipal Liability). (See, Plaintiff's Complaint, Count I, ¶¶ 157-190).

6. Further, Plaintiff's Complaint alleges that Defendant Erin M. Moyer violated 42 U.S.C. §1983 – Procedural Due Process – under the Fourteenth Amendment to the United States Constitution (Supervisory Liability). (See, Plaintiff's Complaint, Count II ¶¶ 191-203).

7. Federal courts have jurisdiction over claims that arise under federal laws generally, 28 U.S.C. § 1331.

8. Accordingly, this Court has removal jurisdiction because Plaintiff's Complaint raises federal questions. 28 U.S.C. § 1441(a).

9. Pursuant to 28 U.S.C. § 1446(d), removing Defendants will contemporaneously serve a copy of this Notice of Removal on Plaintiff, Defendants Schollenberger and Defendant Maurer, and file this Notice in the Lebanon County Court of Common Pleas.

10. Venue is proper in this Court because Defendants reside or are situated in this District and the events giving rise to this action took place within the District. 28 U.S.C.A. § 1391(b).

11. Undersigned counsel contacted the Lebanon County Public Defender's Office and received concurrence from Brian Deiderick on behalf of Defendant, Scott Schollenberger, Jr. to remove this matter.

12. Undersigned counsel received concurrence from Andrew J. Race, Esquire on behalf of Kimberly Maurer to remove this matter.

Date: September 28, 2021

Respectfully submitted,

Lavery Law

By: s/Frank J. Lavery, Jr.

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*Attorneys for Defendants The County  
of Lebanon and Erin M. Moyer*

**CERTIFICATE OF SERVICE**

I, Aimee L. Paukovits, an employee with the law firm of Lavery Law, do hereby certify that on this 28 day of September, 2021, I served a true and correct copy of the foregoing Notice of Removal via email and U.S. First Class Mail, postage prepaid, addressed as follows:

Steven F. Marino, Esquire  
Joseph Auddino, Esquire  
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*Defendant*

Kimberly Maurer  
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*Defendant*

**Courtesy Copies to:**

Brian L. Deiderick, Chief Public Defender  
Lebanon County Public Defender's Office  
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*Attorney for Defendant Scott Schollenberger, Jr. (for underlying criminal matter, only)*

Andrew J. Race, Esquire

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*Attorney for Defendant Kimberly Maurer (for underlying criminal matter, only)*

S/Aimee L. Paukovits

Legal Secretary to Frank J. Lavery, Jr.,  
Esquire and Andrew W. Norfleet,  
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